

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

THE UNITED STATES OF AMERICA

v.

No. 19-cr-00251-LM

JOHNATHON IRISH

MOTION FOR *EX PARTE* STATUS OF COUNSEL HEARING

The defense respectfully requests that the court schedule an *ex parte* status of counsel hearing, as detailed below:

Mr. Irish was convicted by a jury of being a prohibited person in possession of firearms. New counsel was then appointed to supplement Mr. Irish's *pro se* motion for new trial based on ineffective assistance of counsel. Undersigned replacement counsel filed that supplement to the motion for new trial. The government objected. The court heard the motion and declined to consider the issues at this stage of the case, prior to sentencing, leaving the issues for litigation in post-conviction habeas corpus proceedings. The court then scheduled sentencing for October 9, 2020, later moving that date to October 14, 2020. The defense and the government filed memoranda and exhibits in anticipation of sentencing. Sentencing has now been rescheduled at the request of Mr. Irish and the defense to Tuesday, November 24, 2020.

Today, Mr. Irish requested that undersigned counsel file a motion regarding the status of counsel. To protect Mr. Irish's right to counsel and to attorney-client confidentiality, as provided by the Sixth Amendment, and to Due Process, as provided by the Fifth Amendment, the defense requests an *ex parte* hearing on the status of counsel.

Upon being notified of the foregoing, Assistant United States Attorney Anna Krasinski states that the government takes no position on this motion.

WHEREFORE the defense requests an *ex parte* hearing on the status of counsel at the court's earliest convenience.

Date: October 19, 2020

Respectfully submitted,

/s/ Richard Guerriero
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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to registered Participants identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to the nonregistered participants on the date the document was signed by me.

/s/ Richard Guerriero